

Moody had ventured when the Governor asked Police Captain Fleet for his best judgment as an honest man, and not as a police officer. "It wasn't a proper thing for me to say," said the Governor, "and I'm sorry I said it. I ask the witness's pardon. There must be no question of department here." Nor is there any. The three handsome elderly gentlemen who preside as judges, with their grave and reverend faces, their fine gray hair, their intellectual foreheads, their serious, kindly eyes, are all that is ideal in a court. The lawyers, quick, apprehensive, eager, intelligent, watchful of everything that is said and done, strong in presenting each his own case, but guarded and discreet in opposition, are precisely what, to the rational lay mind, lawyers ought to be when engaged in so fearful a controversy. The jury is as characteristic of "Down East" as is the old cow-and-calf farmhouse, with its white-painted boards and its green-painted window shutters. They have the "Down East" countenance—big, gentle eyes that move slowly from point to point, following the slow operations of their mind and the slow movements of their bodies. They have the "Down East" beard, scrubby and determined, past all repression, to grow fierce on the neck. They have the "Down East" gait with its slow, long, lumbering step, and they have the "Down East" honesty of appearance which says that in all things they intend to do just about what's right, as nearly as they know it or can find it out.

LIZZIE BORDEN'S APPEARANCE.

There is no question of deportment with the prisoner. She has no mind for anything except the dreadful business that brought her here. While her face is not agreeable, it furnishes by no means the only clue to her character. Habits of mind and expression upon the human body are expressive. The way one sits and walks and holds one's hands tells a story of character as the expression of eyes or the lines about one's mouth. Lizzie Borden's face is not a soft face. It is not gentle. It does not indicate quick or tender emotions. All is all right till the mouth, lips and jaws are reached. The mouth is strong and firm, and the lips move but slightly when she speaks. The cheeks are full and the jaw square and heavy. The chin is prominent, and the thick lips slightly protrude. These are conspicuous features, and when she is looked at from the front they catch and keep one's observation. But when she is observed from behind it at once impresses the spectator that the girl is singularly graceful, that her long arms and slender hands move in an extremely refined and gentle way, that her attitudes are womanly, dignified, quiet, unobtrusive. In this way she sits and looks and listens and waits patiently, so fearfully, for the words of death or freedom that will be soon pronounced upon her.

There is no question of deportment with the audience. It is the audience of a New-England country town, an audience of factory hands, fishermen, sea-going lads, lawyers, business men and all the kinds of women, good and bad, homely and beautiful, vulgar and gentle, that are born to gladden and trouble the earth. They keep very quiet. They sit very still. They feel themselves not only under the abiding spell of this tragic case, but under the eagle, arching glance of one with whom, among all these, there is a question of deportment. This is the High Sheriff of Bristol County, the highest sheriff that ever was; so high that he has when occupied in stately procession precedent to the movements of 'His Honors the Court, and when engaged in glancing around the courtroom to see that no unhappy wretch is daring to breathe without having previously consulted him, the High Sheriff of Bristol County is engaged in introspection. He is happy when his eyes rest on the girl, with his high silk hat fixed firmly on his head, and his tailcoat coat of Websterian blue flapping its tails like a streamer from a buoy, he precedes the Honorable the Justices of the Superior Court of the State of Massachusetts as they enter the room and take their places behind the bench. He is happy when with darkening gown he glances around and indicates to some unhappy deputy his august displeasure. But the golden moments of his life come when he is introspective; when, seated behind his desk, in the full gaze of the multitude, he thinks real thoughts, all about himself. Then is the High Sheriff of Bristol County in a condition of positive, supreme peace and satisfaction.

WHAT THE PROSECUTION HAS PROVED.

The doctrine of "reasonable doubt" prevails in Massachusetts as in other civilized places. Without assuming to take the place of a jury which has impressed me as honest and competent, I should think that this doctrine of "reasonable doubt" would allow to save Lizzie Borden from the gallows, unless the State makes its case such stronger than it has yet done. An opinion on the case can properly be expressed because the jury is confined, all the time, and is not allowed to see newspapers or to speak with any one. A circumstantial case to be convincing must be very circumstantial. The details that accuse Lizzie Borden lack consistency, lack probability, and might be true and still leave her innocent. She was the last person that saw her father and her stepmother alive. Nothing whatever in the circumstances of the case even suggests anybody else as their murderer. The State has proved that on Wednesday night, the night before the murder, Lizzie told a friend, Miss Russell, that she had a feeling that something was going to happen; that she was very much depressed, and did not like to leave her father; that she was afraid he had an enemy; that she had heard him quarreling with a man the other day about the lease of a piece of property, and her father had said that he would not let the man have it for such a purpose, and that angry words passed between them. She said also that the night before, that is, Tuesday night, everybody in the house had been taken sick except Bridget, the cook; that she (Lizzie) thought something must have been the matter with the baker's bread or with the milk, but that wherever the trouble was, or whether there was really any trouble or not, she felt very bad, and was sure something was going to happen. The State has promised to prove, though it has not done so yet, that on that same night Lizzie tried to buy some prussic acid, giving as her reason for desiring it, the cleansing of some household utensils.

The State has proved that that Wednesday night found no one occupying or in the Borden house except Mr. and Mrs. Borden, Mrs. Morse, Lizzie's uncle, the brother of Mr. Borden's first wife; Lizzie herself, and Bridget, the cook. No suspicion can attach to Morse. He arose the next morning early, had his breakfast at 7:30 with Mr. and Mrs. Borden, left the house at 7:45, went downtown, and accounts for his movements clearly until 11:30, when he returned to the house. Both Mr. and Mrs. Borden were then dead. Lizzie appeared that morning after Morse went downtown, and at about 10 o'clock she got her own breakfast. While she was eating it Mrs. Borden was dusting in the sitting-room, which adjoined the dining-room, and Bridget was washing the windows of the kitchen, and had been instructed to wash all the windows on the first floor. At 9:15 Bridget saw Mr. Borden go downtown. From that time or thereabouts Mrs. Borden drops out of sight. Nobody saw her after that alive. At what particular moment she was killed is entirely unknown. Bridget, not seeing her, at one time, along about 10 o'clock asked Lizzie where she was, and Lizzie replied that she had received a note from a sick friend and had gone out. While Bridget was washing the windows Lizzie occupied herself apparently with household duties, and Bridget saw her from time to time going about here

and there in the kitchen, in the dining-room and in the sitting-room.

CIRCUMSTANCES OF THE MURDER.

At 10:15 Mr. Borden returned. Bridget let him in. The front door at which he entered was caught with a dead latch, and also locked. The State makes much of this fact, but it appears that these Borden kept all their doors locked day and night. The front door was always at least caught with a dead latch. The side door was locked, and nobody ever went out the kitchen door, without being required to call, some one on the floor. They also kept their own individual bedrooms locked. When anybody came out of his room he always looked the door and put the key in his pocket. This fact, habitually characteristic of the domestic economy of the Borden household, does away with much of the force of the circumstance that the front door was on this oc-



MR. JENNINGS, LIZZIE'S PERSONAL COUNSEL.

casion thus carefully secured. Having left Mr. Borden, Bridget returned to her work, not, however, without observing that Lizzie, who was then upstairs, was laughing, and that she came down to greet her father and ask him for the mail. He gave her the mail, and then went into the sitting-room and sat down in a rocking chair near the open window. At a few minutes before 11, Bridget, having finished her window-washing, came in and told Lizzie that she was faint and ill. Lizzie suggested that she would better go upstairs to her room in the attic and lie down. She did so, leaving Lizzie ironing in the dining-room and Mr. Borden still sitting in the rocking-chair at the sitting-room window. Just as Bridget got upon the bed she heard the town clock strike 11. Twelve minutes later,



MR. ROBINSON CROSS-EXAMINING.

the time being observed by Bridget on the town clock near at hand, she heard Lizzie's voice calling to her to come down; that somebody had hurt her father. Bridget ran down at once, and found Mr. Borden lying on the sofa in the sitting-room, bleeding and dead.

The State has proved from people who at once appeared upon the scene—a doctor, two or three neighbors, Lizzie's friend, Miss Russell, and a lot of policemen—a great variety of queer little facts. No one of them amounts to much, but taken together they certainly do make a serious case against the young woman. For instance, it was Lizzie who first suggested that somebody look for her mother, and she said she thought she had heard her mother come in and go upstairs. Well, when they went upstairs they found Mrs. Borden lying dead under the bed in the room immediately above the sitting room, and she must have been dead at least an hour, for the blood on the floor had coagulated and oxidized. Lizzie said she had been in the barn when the murders were committed, but Policeman Medley says that when he went to the barn at about half-past eleven he found it fastened with a staple, and he observed that the dust on the floor as he cast his eyes around on a level with the floor, disclosed no



SOME CHARACTERISTIC FEET AND FACES SEEN IN THE COURTROOM.

trace of footprints, except those he had just made. The barn was an unused building, and it is altogether likely that there was a sediment of dust on the floor. Lizzie said that while in the barn she heard a scraping noise in the house, and it was this noise that moved her to return to the house. Would she have stopped to fasten the barn-door? Perhaps she might, for it appeared that the Borden family had fastened their doors, whatever else they did.

POINTS AGAINST THE PRISONER.

Lizzie wore a light blue dress, the white and blue of which were blended in a groundwork with a large conspicuous navy blue diamond figure in it, the waist and skirt being of the same material. There was not a sign of blood or any indication that she had been involved in violence anywhere about her person. Several witnesses are agreed as to this dress, yet when the State made a demand of her for the production of the dress she had worn that day, she delivered another and a different blue dress. What did she do this for? Miss Russell remained with Lizzie and Emma, who had been sent for, from that Thursday afternoon until the next Monday. The house meanwhile was constantly guarded day and night. On Sunday morning, in the presence of Miss Russell and her sister Emma, Lizzie came into the kitchen with a dress on her arm and burned it. Emma asked her what she was doing, and she said she was burning the dress that there was paint all over it. Miss Russell said: "Lizzie, I wouldn't do that where anybody can see you," referring to the policeman

then outside the house. Lizzie did not hold out the dress for inspection. She simply stepped back a pace or two, and continued to tear it up and burn it. The State asks the jury to believe that this was the dress in which she committed the murders, but that was Sunday morning, and the murders had been committed on Thursday morning. Where had the dress been all that while? The house had been searched and researched again and again from top to bottom three or four



THE HIGH SHERIFF OF BRISTOL COUNTY INSPECTING.

times a day. If her bloody costume had so long escaped detection would she now bring it out and burn it in the presence of two witnesses and with a lot of policemen all around her and likely at any moment to come in upon the scene?

In the cellar in a little box on a shelf containing also some old rusty tools and some nails a hatchet-head was found rusty and with this hatchet-head, though it is expected to do so later. On that testimony the value of the hatchet-head as evidence in the case will depend. But it is to be observed that the policeman who first found it thought so little of its appearance that he dropped it back in the box and gave no heed to it. It was finally picked up and taken away several days later by another policeman, who thought it might possibly amount to something. This is the case against Lizzie Borden as it



A NEW-BEDFORD BEAUTY WHO THINKS LIZZIE DOES NOT CRY ENOUGH.

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A MAN IN A SUIT, LIKELY A WITNESS OR OFFICIAL.

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